

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Koehler et al.

U.S. App. No.: 10/533,060

Int. App. No.: PCT/US03/34837

Int. Filing Date: 10/30/2003

For: Compounds, Methods and Devices
for Inhibiting Neoproliferative
Changes in Blood Vessel Walls

)
) Art Unit: Unassigned
)
) Examiner: Unassigned
)
)
)
)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this document and its attachments are being deposited with the United States Postal Service as Express Mail (Label No. EV 882193369 US) in an envelope addressed to: Mail Stop PCT, Commissioner of Patents, Office of PCT Legal Administration, Alexandria, VA 22313-1450 on Nov. 20, 2006.

By:

Nancy V. McElrath

RENEWED SUBMISSION UNDER 37 CFR 1.497(d)

Dear Sir:

Applicant hereby responds to the *Decision On Request Under 37 C.F.R. 1.497(d)* dated September 20, 2006 (the "Decision"), wherein it was requested that Applicant provide 1) a statement from the deleted inventor stating that any error in the inventorship in the international application occurred without deceptive intent on his part, 2) the written consent of the assignee if an original named inventor has executed an assignment and complete copies of the declarations executed by the inventors.

Attached hereto as Appendix A is a document entitled *Statement By Deleted Inventor* signed by Michael D. Cahalan, wherein Dr. Cahalan states that the initial

inclusion of his name as an inventor on the international application was an error that occurred without deceptive intention on his part.

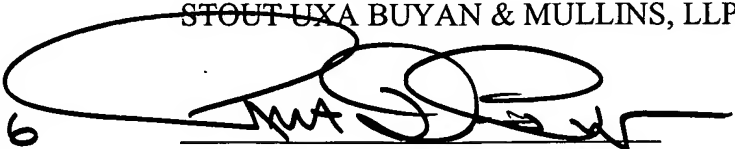
Also, attached hereto as Appendix B is a document entitled *Assignee Consent For Deletion Of Inventor* signed by Linda Stevenson, Manager of Patent Prosecution for the Regents of the University of California. Dr. Cahalan, the deleted inventor, has not executed an assignment that is specific to this United States Patent Application Serial No. 10/533,060 and, thus, assignee consent may not actually be needed in order to comply with 37 C.F.R. 1.497(d). However, the enclosed assignee consent is nonetheless provided to the extent that Dr. Cahalan may have executed other assignment documents relating to his inventions in general and/or to the provisional application to which priority is claimed in this case.

Also, attached hereto as Appendix C are complete copies of each declaration as previously signed by the inventors. The "xxxx" markings on the signature pages were placed on the signature pages of two of the declaration copies before they were sent to different locations (i.e., Davis, California and Berlin, Germany) to ensure that each copy would be executed only by the intended inventors and to avoid unnecessary and unintended circulation to other inventors who were not intended to sign that copy of the document. These markings were not affixed "after" execution by the inventors as presumed in the Decision. Moreover, these markings merely occupy blank space do not "modify" any language, content or substance of the declaration in any way. Accordingly, the copies of the declaration attached hereto as Appendix C are believed to fully comply with all applicable laws and regulations and acceptance of these documents is respectfully requested.

The PCT Attorney Advisor is invited to telephone Applicant's undersigned counsel to discuss any further measures that may be required for granting of this petition. No fee is seen to be due, however if any fee is properly deemed to be due, the Commissioner is authorized to deduct such fee from Deposit Account No. 50-0878.

Respectfully submitted,
STOUT LUXA BUYAN & MULLINS, LLP

Date: Nov. 20, 2006


Robert D. Buyan, Reg. No. 32,460

4 Venture, Suite 300
Irvine, California 92618
Tel: (949) 450-1750
Fax: (949) 450-1764
e-mail: rbuyan@patlawyers.com

Attorney Docket No. UCIVN-020US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Koehler et al.

U.S. App. No.: 10/533,060

Int. App. No.: PCT/US03/34837

Int. Filing Date: 10/30/2003

For: Compounds, Methods and Devices
for Inhibiting Neoproliferative
Changes in Blood Vessel WallsCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: Unassigned

Examiner: Unassigned

**CERTIFICATE OF
TRANSMISSION/MAILING**

I hereby certify that this document is being
facsimile transmitted to the USPTO or
deposited with the United States Postal Service
with sufficient postage as first class mail in an
envelope addressed to: Commissioner of
Patents, Alexandria, VA 22313-1450
on _____

By:

Nancy V. McElrath

STATEMENT BY DELETED INVENTOR

Dear Sir:

The initial inclusion of my name as an inventor on PCT International Patent Application PCT/US03/34837 entitled "Compounds, Methods and Devices for Inhibiting Neoproliferative Changes in Blood Vessel Walls" was in error and such error occurred without deceptive intention on my part.

Respectfully submitted,

Date: 11/17/06

Michael D. Cahalan
Michael D. Cahalan

BEST AVAILABLE COPY

Attorney Docket No. UCIVN-020US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Koehler et al.

U.S. App. No.: 10/533,060

Int. App. No.: PCT/US03/34837

Int. Filing Date: 10/30/2003

For: Compounds, Methods and Devices
for Inhibiting Neoproliferative
Changes in Blood Vessel WallsCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: Unassigned

Examiner: Unassigned

CERTIFICATE OF
TRANSMISSION/MAILING

I hereby certify that this document is being
facsimile transmitted to the USPTO or
deposited with the United States Postal Service
with sufficient postage as first class mail in an
envelope addressed to: Commissioner of
Patents, Alexandria, VA 22313-1450
on _____.

By:

Nancy V. McElrath

BEST AVAILABLE COPY

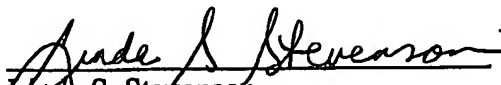
ASSIGNEE CONSENT FOR DELETION OF INVENTOR

Dear Sir:

The undersigned assignee of the entire right, title and interest in and to the above-identified PCT International Patent Application No. PCT/US03/34837 and corresponding United States national stage application 10/533,060 hereby consents to the deletion of Michael D. Cahalan from the list of inventors for that application.

Respectfully submitted,
THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

Date: Nov. 20, 2006


Linda S. Stevenson
Manager, Patent Prosecution

**DECLARATION OF INVENTORSHIP and
LIMITED POWER OF ATTORNEY**

As a below named inventor, I believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled "Compounds, Methods and Devices for Inhibiting Neoproliferative Changes in Blood Vessel Walls" which is described and claimed in Application No. 10/533,060 filed April 27, 2005 for which a patent is sought. My residence, post office address and citizenship are as stated below next to my name.

I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to herein.

I acknowledge my duty under Title 37, Code of Federal Regulations § 1.56(a) to disclose information which is material to the patentability of the invention I am claiming.

☒ I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: PCT/US2003/34837, filed April 30, 2004.

As a named inventor and until I assign my rights to the invention, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith on my behalf: **Frank J. Uxa**, Reg. No. 25,612; **Donald E. Stout**, Reg. No. 34,493; **Robert D. Buyan**, Reg. No. 32,460; **Kenton R. Mullins**, Reg. No. 36,331; **Jo Anne M. Ybabén**, Reg. No. 42,243; **Linda Allyson Fox**, Reg. No. 38,883; and **Greg S. Hollrigel, Ph.D.**, Registered Patent Agent, Reg. No. 45,374, all of the firm **STOUT, UXA, BUYAN & MULLINS, LLP**. Send correspondence and direct telephone calls to: **Robert D. Buyan**, Stout, Uxa, Buyan & Mullins, LLP, 4 Venture, Suite 300, Irvine, CA 92618; telephone (949) 450-1750, facsimile (949) 450-1764, email: rbuyan@patlawyers.com.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that there statements

were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

Ralf Koehler, of, Berlin, Germany, a citizen of the German. Post office address: Schudomastr. 36, Berlin, Germany 12055

Signature: _____ Date: _____
Ralf Koehler

Heike Wulff, of, Irvine, California, a citizen of the German. Post office address: 5106 Palo Verde Road, Irvine, CA 92612

Signature: _____ Date: _____
Heike Wulff

Joachim Hoyer, of, Berlin, Germany, a citizen of the German. Post office address: Kreutterweg. 33, Berlin, Germany 12203

Signature: _____ Date: _____
Joachim Hoyer

K. George Chandy of, Laguna Beach, California, a citizen of the U.S. Post office address: 1218 Morning Side Drive, Laguna Beach, CA 92651

Signature: K. George Chandy Date: 8/17/05 *

**DECLARATION OF INVENTORSHIP and
LIMITED POWER OF ATTORNEY**

As a below named inventor, I believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled "Compounds, Methods and Devices for Inhibiting Neoproliferative Changes in Blood Vessel Walls" which is described and claimed in Application No. 10/533,060 filed April 27, 2005 for which a patent is sought. My residence, post office address and citizenship are as stated below next to my name.

I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to herein.

I acknowledge my duty under Title 37, Code of Federal Regulations § 1.56(a) to disclose information which is material to the patentability of the invention I am claiming.

☒ I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: PCT/US2003/34837, filed April 30, 2004.

As a named inventor and until I assign my rights to the invention, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith on my behalf: **Frank J. Uxa**, Reg. No. 25,612; **Donald E. Stout**, Reg. No. 34,493; **Robert D. Buyan**, Reg. No. 32,460; **Kenton R. Mullins**, Reg. No. 36,331; **Jo Anne M. Ybaben**, Reg. No. 42,243; **Linda Allyson Fox**, Reg. No. 38,883; and **Greg S. Hollrigel, Ph.D.**, Registered Patent Agent, Reg. No. 45,374, all of the firm **STOUT, UXA, BUYAN & MULLINS, LLP.** Send correspondence and direct telephone calls to: **Robert D. Buyan**, Stout, Uxa, Buyan & Mullins, LLP, 4 Venture, Suite 300, Irvine, CA 92618; telephone (949) 450-1750, facsimile (949) 450-1764, email: rbuyan@patlawyers.com.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements

were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

Ralf Koehler, of Berlin, Germany, a citizen of the German. Post office address: Schudomast. 36, Berlin, Germany 12055

Signature: XXXX Date: XXX
Ralf Koehler

Heike Wulff, of Davis, California, a citizen of the German. Post office address: 3302 Victoria Place, Davis, CA 95616

Signature: Heike Wulff Date: 09/05/05
Heike Wulff

Joachim Hoyer, of Berlin, Germany, a citizen of the German. Post office address: Kreuttzerweg. 33, Berlin, Germany 12203

Signature: XXXX Date: XXX
Joachim Hoyer

K. George Chandy of, Laguna Beach, California, a citizen of the U.S. Post office address: 1218 Morning Side Drive, Laguna Beach, CA 92651

Signature: XXXXXXXXXXXX Date: XXXXXXXX
K. George Chandy

**DECLARATION OF INVENTORSHIP and
LIMITED POWER OF ATTORNEY**

As a below named inventor, I believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled "Compounds, Methods and Devices for Inhibiting Neoproliferative Changes in Blood Vessel Walls" which is described and claimed in Application No. 10/533,060 filed April 27, 2005 for which a patent is sought. My residence, post office address and citizenship are as stated below next to my name.

I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to herein.

I acknowledge my duty under Title 37, Code of Federal Regulations § 1.56(a) to disclose information which is material to the patentability of the invention I am claiming.

☒ I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: PCT/US2003/34837, filed April 30, 2004.

As a named inventor and until I assign my rights to the invention, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith on my behalf: **Frank J. Uxa**, Reg. No. 25,612; **Donald E. Stout**, Reg. No. 34,493; **Robert D. Buyan**, Reg. No. 32,460; **Kenton R. Mullins**, Reg. No. 36,331; **Jo Anne M. Ybaben**, Reg. No. 42,243; **Linda Allyson Fox**, Reg. No. 38,883; and **Greg S. Hollrigel, Ph.D.**, Registered Patent Agent, Reg. No. 45,374, all of the firm **STOUT, UXA, BUYAN & MULLINS, LLP.** Send correspondence and direct telephone calls to: **Robert D. Buyan**, Stout, Uxa, Buyan & Mullins, LLP, 4 Venture, Suite 300, Irvine, CA 92618; telephone (949) 450-1750, facsimile (949) 450-1764, email: rbuyan@patlawyers.com.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that there statements

were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

Heike Wulff, of, Irvine, California, a citizen of the German. Post office address: 5106 Palo Verde Road, Irvine, CA 92612

Signature: XXXXXXXXXXXX Date: XXX
Heike Wulff

Ralf Koehler, of, Marburg, Germany, a citizen of the German. Post office address: Haspelstr. 37, Marburg, Germany 35037

Signature:  Date: 6. Sept. 2005
Ralf Koehler

Joachim Hoyer, of, Marburg, Germany, a citizen of the German. Post office address: Calvinstr. 12, Marburg, Germany 35037

Signature:  Date: 6. Sept 2005
Joachim Hoyer

K. George Chandy of, Laguna Beach, California, a citizen of the U.S. Post office address: 1218 Morning Side Drive, Laguna Beach, CA 92651

Signature: XXXXXXXXXXXX Date: XXXXXXX
K. George Chandy